

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHELLY J. MINNICK,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 2:17-cv-00093-BAT

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EAJA FEES**

Shelly J. Minnick, the prevailing party in this Social Security disability appeal, moves

under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), for an award of attorney’s fees of \$7,509.15 and expenses of \$7.20. Dkt. 19. The Commissioner filed no opposition to the motion. The Court **GRANTS** Ms. Minnick’s requests for fees and costs.

The EAJA authorizes payment of attorney's fees to a prevailing party in an action against the United States, unless the court finds that the government's position on the merits in the litigation was "substantially justified." 28 U.S.C. § 2412(d)(1)(A). Substantial justification requires the government to demonstrate its position had a reasonable basis in both law and fact at each stage of the proceedings, including both the government's litigation position, and the underlying agency action giving rise to the civil action. *Tobeler v. Colvin*, 749 F.3d 830, 832–34

1 (9th Cir. 2014). The Commissioner has made no such showing and has not objected to the
2 amount of fees requested. The Court has reviewed Ms. Minnick's motion, supporting
3 declaration (Dkt. 91-2), and the record, and finds the amount requested is reasonable. The Court
4 therefore **ORDERS**:

5 Plaintiff's motion for attorney's fees and costs (Dkt. 19) is **GRANTED** and Plaintiff is
6 awarded attorney's fees of \$7,509.15 and costs of \$7.20, for a total award of \$7,516.35. If the
7 EAJA fees are not subject to any offset allowed under the Department of Treasury's Offset
8 Program, then the check should be made payable to Ms. Minnick's attorney, Eitan Kassel
9 Yanich, and mailed to Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia,
10 WA. 98501.

11 DATED this 9th day of January, 2018.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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